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OFFICE OF PETITIONS

In re Application of
Pierrick Descure
Application No. 09/361,700
Filed: July 27, 1999
Attorney Docket No. S1022/8201

DECISION ON PETITION

This is a decision on the petition filed April 1, 2002 (Certificate of Mailing dated March 21, 2002), pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Application (CPA), mailed May 22, 2001. This Notice set a period for reply of two months from the mail date of the Notice to submit the statutory basic filing fee and additional claims fee. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No filing fees having been received, the above-identified application became abandoned on July 23, 2001. The mailing of the instant decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner submitted the filing fees (and the surcharge for its late filing), paid the petition fee, and made a statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Petitioner only submitted a check for the amount of \$1,612, not sufficient to cover the \$1,280 petition fee, \$740 basic filing fee, \$130 surcharge fee, and \$462 additional claims fee. Accordingly, Deposit Account No. 23-2825 has been charged \$1000 to cover the deficiency, as authorized.

The application file is being forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy